



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,587	10/09/2001	Kelan C. Silvester	INTL-0678-US (P12996)	7106

7590 04/01/2004

Timothy N. Trop  
TROP, PRUNER & HU P.C.  
STE 100  
8554 KATY FWY  
HOUSTON, TX 77024-1805

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 04/01/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/974,587

Applicant(s)

SILVESTER, KELAN C.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

6

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,3,5,6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatano et al (US 5,355,511).

Consider claim 1. Hatano teaches providing cellular repeaters in a plurality of vehicles (Hatano see especially fig 1), and enabling the repeaters to receive and forward transmissions between mobile users and cellular towers (Hatano see especially fig 1, col 4, line 40 – col 5, line 15). Note that the system of Hatano would perform the claimed steps.

As to claim 2, note that Hatano's cellular repeater is a vehicle radio.

As to claims 5 and 6, note that Hatano bi-directionally transmits with cell towers and other mobile repeaters (Hatano see especially fig 1, col 4, line 40 – col 5, line 15).

As to claim 3, note that Hatano makes no provision for the user to intercept the transmissions.

***Claim Rejections - 35 USC § 103***

3. Claims 4,7,12-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano in view of Khamis (US 5,930,729).

As to claims 4,12,15, note that Hatano teaches everything claimed as shown above except for the vehicle repeater being coupled to the vehicle electrical system to obtain power. Khamis teaches a vehicle repeater which is coupled to the vehicle electrical system to obtain power (Khamis col 10, lines 57-60). It would have been obvious to one of ordinary skill in the art to modify Hatano to couple to the vehicle power as taught by Khamis in order to eliminate the need for the vehicle repeater to provide its own power supply.

As to claim 7, note that Hatano teaches an antenna in the vehicle station. Hatano lacks a teaching of an amplifier. Khamis teaches a vehicle repeater with an amplifier (Khamis see especially fig 4B, items 148,158,179,182). It would have been obvious to one of ordinary skill in the art to modify Hatano to include an amplifier in order to ensure that even weak signals could be communicated.

As to claim 13, note that Hatano's cellular repeater is a vehicle radio.

As to claim 16, note that Hatano bi-directionally transmits with cell towers (Hatano see especially fig 1, col 4, line 40 – col 5, line 15).

As to claim 14, note that Hatano makes no provision for the user to intercept the transmissions

4. Claims 8-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano in view of Khamis and in view of Noguchi et al (US 4,764,979).

Consider claims 8,11. Hatano in view of Khamis teaches everything claimed as shown above except for the structure of the repeater. Noguchi teaches a repeater with a pair of antennas (Noguchi fig 2, items 11,12), circulators (Noguchi fig 2, items 13,14)

Art Unit: 2684

amplifiers (Noguchi fig 2, items 17,27) and isolators (Noguchi figs 3A-C, items 41,42,44). It would have been obvious to one of ordinary skill in the art to modify Hatano in view of Khamis to use the circuit arrangement as taught by Noguchi in order to utilize an arrangement that effectively separated the repeated signals.

As to claim 9, Hatano in view of Khamis in view of Noguchi teach everything claimed including circulators to separate the transmit and receive signals. Noguchi lacks a teaching of using Duplexers to separate the signals. Official Notice is taken that it is notoriously well known in the art to use duplexers to separate transmit and receive signals. It would have been obvious to one of ordinary skill in the art to replace the circulators with duplexers in order to use an effective filter arrangement for separating the signals.

### ***Drawings***

***5. The drawings are objected to because each box in figure 2 should be labeled with a simple English language description to permit an easy analysis of the figure. Correction is required.***

### ***Response to Arguments***

6. Applicant's arguments filed January 2, 2004 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

***7. Note that the drawing objection in the last action was not addressed in the response.***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for

Art Unit: 2684

the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
March 29, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**